

Serial No.: 10/549,567
Atty. Docket No.: P70821US0

REMARKS

This Amendment is being filed concurrently with an RCE.

The Office Action mailed November 29, 2007, has been carefully reviewed and Applicants note with appreciation the identification of allowable subject matter.

To facilitate prosecution, Applicants requested a telephone interview which was held with Examiner Hand on March 18, 2008. Applicants were represented by Suzin Bailey. Applicants sincerely thank Examiner Hand for her time and cordiality in conducting the interview.

During the interview, the prior art patent to Smith (U.S. Patent No. 5,591,144) was discussed, and Applicants presented three pages of annotated drawing figures to discuss; a copy of these three pages, which include Figures 2 and 3 of the present application and Figure 2 of Smith, is attached.

Examiner Hand indicated during the interview that her rejection of the pending claims was based upon an interpretation of Figure 2 of Smith that identified the "bottom" of the liner as being the length of element 2b between area 100 and 200 (see marked-up Figure 2 attached). Accordingly, proposed claim amendments were discussed aimed at further clarifying the structure to which Applicants intend to refer when referencing the "bottom"

Serial No.: 10/549,567
Atty. Docket No.: P70821US0

to which Applicants intend to refer when referencing the "bottom" of the liner. The amendments set forth herein are in line with the proposed amendments discussed with Examiner Hand as Applicants understood them.

Now responding to the Office Action, by this Amendment Applicants have amended claims 1, 7, 11, 12 and 14. Claims 1-18 are pending in the application. Claims 1, 7, 12 and 14 are independent. Claim 18 has been withdrawn.

The Examiner rejected claims 1-4, 6-10 and 12-14 under 35 U.S.C. 103(a) as being unpatentable over Smith, and rejected claim 5 as being unpatentable over Smith in view of U.S. Patent No. 5,423,782 to Wolrich. The Examiner objected to claims 11 and 15-17 as being dependent on a rejected base claim, but stated that claims 11 and 15-17 would be allowable if rewritten in independent form to include the limitations of the underlying base claim.

While Applicants appreciate the identification of allowable subject matter, following the interview and with the amendments set forth herein, claims 1, 7, 12 and 14 are also submitted as being in condition for allowance. Favorable reconsideration and allowance thereof is requested.

As clarified in independent claims 1, 7, 12 and 14, the present invention is directed to an inner bag liner used with an

Serial No.: 10/549,567
Atty. Docket No.: P70821US0

ostomy appliance having a receiving bag. As provided in each of these claims, the inner bag liner is folded along a plurality of folding lines so as to be compacted prior to use, with the folds being provided between the entrance opening and the *bottom* of the bag liner so that, in the folded compacted condition, the bottom of the liner faces and is adjacent the bag liner entrance opening *and is distal from the bottom portion of the receiving member*. As wastes exiting the stoma enter the bag, the wastes push against the bottom of the liner so that, as the folds unfold, the liner bottom moves away from the waste entry hole *to a position most distal from the stoma and adjacent the bottom portion of the receiving member*. This structural configuration in which the bottom of the liner is first distal from the bottom portion of the receiving member and adjacent the stoma, and then as the liner is filled, the bottom thereof is moved to be distal from the stoma and adjacent the bottom portion of the receiving member, is not shown or suggested by Smith.

Smith discloses a drainage bag including an outer bag 1 and an inner bag or liner 2. The liner 2 is fully extended within the outer bag at all times, with the two bags being manufactured as a unit in which the openings of both bags are thermo-welded to a flange 3 so as to be ready for use (see column 3, line 62 to column

Serial No.: 10/549,567
Atty. Docket No.: P70821US0

4, line 3). After use, the outer bag may be torn away and disposed of in a domestic waste bin, being uncontaminated by bodily fluids, while the inner bag is flushed in a toilet (see column 5, lines 30-36). Hence, the entire drainage bag is disposed of after a single use.

In the present invention, by contrast, the inner liner is disposed of while the outer bag is reused by inserting a fresh inner liner therein. This insertion of the new liner is facilitated by the folded condition in which the liner is configured prior to use. In addition, the manner in which the liner is folded solves the problem of potential "pancaking" which can otherwise occur as waste material first entering the liner can have a tendency to cause the sidewalls of the inner bag to adhere to one another, preventing wastes from entering. This is avoided by the folded configuration in which the entering wastes *push against the bottom* of the liner, forcing it downward toward the bottom portion of the receiving member as the liner is filled.

In Smith, on the other hand, since the outer bag is not reused by insertion of a new inner liner, there is no reason to have the inner liner in a folded condition prior to use. On the contrary, the manufacturer of such an ostomy appliance would naturally provide the inner liner in the *fully inserted and*

Serial No.: 10/549,567
Atty. Docket No.: P70821US0

unfolded state, as shown in Smith, in order to avoid any problems, e.g., twisting, associated with the unfolding of the inner bag. Hence, there is nothing in Smith to suggest the folded inner liner configuration claimed by the present invention.

For at least the foregoing reasons, claims 1, 7, 12 and 14 are patentable over the prior art. Favorable reconsideration and allowance thereof is requested. Claims 2-6, 8-11, 13 and 15-18 are also in condition for allowance as claims properly dependent on an allowable base claim, for the subject matter contained therein, and in view of the Examiner's identification of allowable subject matter (claims 11 and 15-17).

With this amendment and the foregoing remarks, it is respectfully submitted that the present application is in condition for allowance.

Serial No.: 10/549,567
Atty. Docket No.: P70821US0

Should the Examiner have any questions or comments, the Examiner is cordially invited to telephone the undersigned attorney so that the present application can receive an early Notice of Allowance.

Respectfully submitted,

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Date: April 29, 2008
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